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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,559	01/27/2005	Wolfgang Drefs	P23211	8475

40401 7590 03/20/2007
HERSHKOVITZ & ASSOCIATES
2845 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/522,559

Applicant(s)

DREFS ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Pre-amndt. 1/27/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/27/05 & 2/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a line force in the winding nip at a higher value in the region of the feed strip than in the remaining region of the winding nip during transfer of the feed strip," "a drive side and an operator side," "a primary region and a secondary region," ... etc. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Where and which portion of the feeding strip has the higher value? Which portion is considered to be the remaining region?

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 33-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 33-67 are replete with 112 2nd, and applicant is advised to look at all the claims. Some of the examples are listed below:

Claims 33, 38, 44, 50, 55, 61, and 66 are indefinite and vague. Which portion of the feeding strip is considered to be at a higher value than in the remaining region of the winding nip during transfer of the feed strip?

In so far as the claims are understood as a higher value is being controlled by pressing one side with more force than the other side, and the portion of the feed strip that is not being pressed by a greater force is the remaining region.

Claims 36, 53, 66 are indefinite and vague. What is considered to be "a drive side and an operator side"?

Claims 41-42, 48-49, 58-59, and 64-65 are indefinite and vague. What is considered to be "a primary region and a secondary region"?

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Claim 47 is indefinite and vague. What does it mean by "the spool is movable"? Since claim 46 recites that "the spool is stationary," and the dependent claim 47 recites that "the spool is movable." Doesn't this statement contradict the claims?

Claims 54, 57, and 67 are indefinite and vague. How can the spool be movable and displaceable? It appears that the spool is stationary as recited in the other claims by the applicant and as shown in drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-67 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 1985257 A1 (now U.S. Patent No. 6402082 B1, equivalent translation).

DE '257 shows the applicant claimed invention, as shown in figures 1-3, the feed strip 12 over a carrier drum 18, forming a winding nip 22 between the carrier drum and the spool 20, and a line load in winding nip can be adjusted by pressing device 56 (permits tilting of the carrier drum 18), which can independently adjusts the line load to a desired value using the cylinders/piston units, thus it can apply a greater force on one edge region of the winding nip than in another lateral edge region see column 6, lines 35-65 (U.S. Patent No. 6402082 B1).

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Claims 33-67 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 19939506 A1 (now U.S. Patent No. 6536705 B1, equivalent translation).

DE '506 shows the applicant claimed invention, as shown in figures 3-6, the feed strip 12 over a carrier drum 18, forming a winding nip 22 between the carrier drum and the spool 20, and a line load in winding nip can be adjusted by pressing device 56 (permits tilting of the carrier drum 18), which can independently adjusts the line load to a desired value using the cylinders/piston units, thus it can apply a greater force on one edge region of the winding nip than in another lateral edge region see column 2, lines 10-17 and 57-62; column 7, lines 49-60, (U.S. Patent No. 6536705 B1).

Claims 33-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Kayser et al., U.S. Patent No. 4171107.

Kayser '107 shows the applicant claimed invention, as shown in figures 1-3, the feed strip p over a carrier drum 1, forming a winding nip (no reference number) between the carrier drum and the spool 4, and a line load in winding nip can be adjusted by pivot arms 3 (permits tilting of the carrier drum 1), which can independently adjusts the line load to a desired value using the cylinders/piston units, thus it can apply a greater force on one edge region of the winding nip than in another lateral edge region, see abstract.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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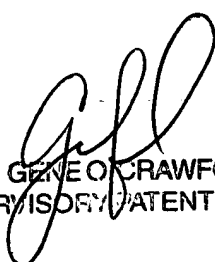
Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

3/18/07


GENE O. CRAWFORD
SUPERVISOR/PATENT EXAMINER